IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 872 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/08/2004 in WP NO : 14830 OF 1992 on the file of the High Court.)

Between:

1 The APSRTC rep., by its Vice-Chairman & Managing Director, Mushirabad, Hyderabad.
2 The Divisional Manager, APSRTC, Nalgonda, Nalgonda

District.

..... APPELLANTS

AND

1 K.Bixmaiah, s/o Lingaiah,
2 P.Venkateswar Rao, s/o Narayana Rao,
3 K.Damodar Reddi, s/o Buchi Narayana Reddi,
4 M.Sudhir Rao, s/o Pullaiah,
5 N.Somaiah, s/o Kistaiah,
6 C.Vasudeva Rao, s/o Satyanarayana Rao,
7 A.Laxma Reddi, s/o Pratap Reddi,
(All are r/o Suryapet, Nalgonda District.)
8 Sri Venkateswara Swamy Bus Service rep., by its Managing Partner Racheral Nageswara Rao, Suryapet, Nalgonda District.

.....RESPONDENTS

Counsel for the Appellants:MR.V.T.M.PRASAD (SC FOR APSRTC)

Counsel for the Respondent Nos.1 to 7: MR.A.PRABHAKAR RAO

Counsel for the Respondent No.8: None appeared.

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt T. Meena Kumari,J)

This writ appeal is filed by the appellants-Corporation aggrieved by the order, dated 26-8-2004 in W.P.No.14830 of 1992 wherein the learned Single Judge allowed the writ petition directing the respondents-Corporation to regularize the services of the petitioners in their respective posts with effect from the date of their initial appointment.

The appellants herein are the respondents in the writ petition. Originally, the writ petition was filed seeking a direction in the nature of a writ of mandamus directing the 1st and 2nd respondents to appoint the petitioners 1 and 2 as drivers and petitioners 3 to 5 and 7 as conductors and petitioner No.6 as cleaner in the respondents-Corporation.

The case of the writ petitioners is that the petitioners worked as drivers, conductors and cleaners on different buses managed by the 3rd respondent for three years. As all the routes were nationalized, the route permits of several buses were recalled. Consequently, the petitioners applied for their absorption in APSRTC, but they were not interviewed by the Selection Committee as the 3rd respondent had shown their names against the buses which were having temporary permits. But some of the employees, who were sponsored by the 3rd respondent, are being absorbed though they are juniors to the petitioners in service. The petitioners are entitled to be absorbed in the service of APSRTC in accordance with the scheme evolved by the first respondent through the circular dated 10.11.1983. Hence, they filed the above said writ petition.

The learned Single Judge having observed that pursuant to the interim orders in the writ petition, the petitioners have appeared before the Selection Committee of the respondents-Corporation and all of them were qualified and directed to undergo conductor/driver training by the proceedings dated 28.10.1998 and after completion of the training, some of them were appointed as drivers and conductors on regular basis and they are continuing as such, allowed the writ petition with the above said direction.

Heard both the counsel.

The learned counsel for the appellants-Corporation contends that the service of the writ petitioners was approximately two months prior to the nationalization

and therefore, they are not entitled to be interviewed by virtue of the circular dated 10-11-1983 and the learned Single Judge failed to consider the implication of the Circular dated 10.11.1983, which would have serious effect on the administrative decisions of the Corporation. He further contends that the order of the learned Single Judge to regularize the services of the petitioners in their respective posts is contrary to law as they were appointed on temporary basis in pursuance of the interim order dated 09.11.1993 of this Court, and therefore, the order under appeal is liable to be dismissed.

Per contra, the learned counsel for the respondents-writ petitioners contends that as on the date of nationalization, the respondents herein were in service and by virtue of the interim order dated 09.11.1993, they have been appointed as drivers and conductors in view of the fact that they were in service as on the date of the nationalization scheme and therefore, the order under appeal requires no interference.

On a perusal of the record, it is apparent that in pursuance of the interim orders of the learned Single Judge, the petitioners were employed on temporary basis pending the writ petition and they have been continuing as such. The writ petitioners were in service by the date of nationalization of the buses and in total, they have attained 18 years service in their respective cadres. It is the case of the writ petitioners that as per the circular dated 10.11.1983 issued by the respondents-Corporation, they are entitled to be regularized. Contrary to the said contention, no material was placed before the Court as to why they are not entitled to be regularized and as to the complaints, if any, pending against the writ petitioners. In the absence of such material and in view of the finding given by the learned Single Judge, the order under appeal cannot be disturbed. But however, in the peculiar circumstances of the case, we modify the order of the learned Single Judge to the effect that the writ petitioners shall be considered for regularization from the date of the order in the writ petition i.e., 26.08.2004, if there are no complaints pending against them.

With the above modification, the writ appeal is disposed of. No order as to costs.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

Dated:14-06-2005

Sj/Nn

To

1. The Vice-Chairman & Managing Director, APSRTC, Mushirabad, Hyderabad.
2. The Divisional Manager, APSRTC, Nalgonda, Nalgonda

District.

3. The Managing Partner, Sri Venkateswara Swamy Bus Service, Suryapet, Nalgonda district.

4. Two C.D. copies.